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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,431	03/12/2004	Takayuki Kazama	05905.0141-01	6549
22852	7590	09/05/2007	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			JONES, SCOTT E	
			ART UNIT	PAPER NUMBER
			3714	
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			09/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/798,431

Applicant(s)

KAZAMA ET AL.

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14, 17-19, 22, 23 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17-19, 22, 23 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/806,436.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/12/04; 1/13/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the application and preliminary amendment filed March 12, 2004. The preliminary amendment amends claims 1-9, 11-13, 17-19, 22, 23, and 27, cancels claims 15-16, 20-21, and 24-26, amends the specification, drawings and the abstract. Claims 1-14, 17-19, 22, 23, and 27 are currently pending.

### ***Claim Objections***

2. Claims 22 and 23 are objected to under 37 CFR 1.75(c), as being of improper form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or rewrite the claim(s) in independent form.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-10, 11-14, 17/1, 17/2, 18-19, 22-23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slye et al. (U.S. Patent No. 5,261,820; hereafter "Slye") in view of Abecassis (U.S. Patent No. 5,684,918; hereafter "Abecassis").

Referring to claim 1, Slye discloses a game device comprising processing means for performing a game which progresses in chronological order based on an amount of the operation of a player from an operating means (1:39-2:2); a ceasing means for ceasing a performance state of the game at a cease point (2:29-37 and 4:19-28); and a continuing means for, when continuing

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the game after the game is ceased, continuing a game processing after producing a historical state of the performance of the game (1:39-2:2) from a resume point to the cease point and enabling operation by the player from the cease point (Figures 4:19-28), and discloses having VCR like controls (3:26-38 and 3:63-4:6), but does not specifically disclose having a ceasing means for temporarily ceasing performance of the game. Moreover, Slye discloses automatically entering the recorded commands (historical state/progress of the game) in the same sequence that they were recorded so that substantially the same images that were produced when the commands were initially entered are displayed again. During that step, new commands can be entered and the recorded commands are preempted. Thus the user can start the simulation anew from any point within the game (Abstract). However, Abecassis provides VCR-like controls which include a pause or freeze feature in order to allow the user not to miss any portion of the game in case the user may be interrupted by outside forces (abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the pause feature of Abecassis into the game device of Slye in order to allow the user not to miss any portion of the game in case the user may be interrupted.

Referring to claim 2, Slye discloses the continuing means starts to continue the processing of the game from the game ceasing point (2:29-37 and 4:29-31).

Referring to claim 3, Slye discloses the continuing means reproduces the historical state of the performance of the game from a position before a game ceasing position to the game ceasing position (1:39-47).

Referring to claim 4, Slye discloses the continuing means reproduces the historical state of the performance of the game up to the game ceasing point (1:39-47 and 3:53-56).

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Referring to claim 5, Slye discloses a reproducing amount of the historical state of the performance of the game is controlled according to a processing state of the game at the time that the game is ceased (1:39-47 and 3:51-62).

Referring to claim 6, Slye discloses that the whole game is saved and that a player can go back to any previous portion of the game and that the game is reproduced (1:39-2:2 and 3:63-4:6)

Referring to claim 7, Slye discloses the continuing means reproduces the historical state of the performance of the game of a predetermined time before the game ceasing point (Slye saves the whole game).

Referring to claim 9, Slye discloses the ceasing means performs the processing such that the game becomes over (4:19-28).

Referring to claim 10, Slye discloses the ceasing means implements a pause of the game (1:39-2:2).

Referring to claim 12, Slye discloses the continuing means is structured to display the game screen before reaching the ceased state of the game, while reproducing the historical state of the performance of the game (1:52-59).

Referring to claim 13, Slye discloses the continuing means is structured to inversely reproduce on the displaying means a virtual game screen in which the game performance processing results in a ceased state, before starting to reproduce the historical state of the performance of the game (2:39-2:2 and 3:63-4:6)

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Referring to claim 14, Slye discloses the continuing means is structured to make an operation input from the player to the processing means effective in the reproducing period of the historical state of the performance of the game (1:39-2:2).

Referring to claim 17, with respect upon its dependency upon claims 1 and 2, Slye discloses the continuing means is structured to control an input terminal of an input means so that the input terminal in the operating means becomes to obtain the amount of the operation at the game ceased state, after the game historical state of the performance of the game results in the game ceased state (1:39-2:2 and 3:63-4:6).

Referring to claim 18, Slye discloses the continuing means is structured to make the operation input effective after the historical state of the performance of the game results in the game ceased state (1:39-2:2).

Referring to claim 19, Slye discloses the continuing means is structured to display on the displaying means the time from the beginning of reproducing the historical state of the performance of the game to the game ceased state (replays the whole game).

Claims 22-23 correspond in scope to a storing medium and a program set forth for use of the gaming device listed in the claims above and are encompassed by use as set forth in the rejection above.

Claim 27 corresponds in scope to a method set forth for use of the gaming device listed in the claims above and is encompassed by use as set forth in the rejection above.

4. Claims 8 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis.

Referring to claims 8 and 11, Abecassis discloses a game device where a player controls a jet, but does not disclose a countdown or that if there is no input within a time period that the

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game will end. However, it is notoriously well known within gaming systems at the time the invention was made to incorporate a countdown mechanism, after a player has not finished the game in time, to start wherein the player has time to resume from the current position within the video game. The player must either decide to restart or insert more quarters in the game within this time period or the game will end. In an arcade, this feature allows players the ability to conquer the game in less time and allows for video game owners to profit from these players. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the countdown before ending into Abecassis's game in order to allow the player the option of restarting the game or continuing from the current location.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott E. Jones/  
Primary Examiner, Art Unit 3714

SEJ